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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/274,152 03/22/99 MCVEIGH

J 42390.P7110

EXAMINER

TM02/0507

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ART UNIT

PAPER NUMBER

2613

DATE MAILED:

05/07/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

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# Office Action Summary

Application No.

09/274,152

Applicant(s)

MCVEIGH ET AL.

Examiner

Tung T. Vo

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 3/7/01 have been fully considered but they are not persuasive.

The applicant pointed out that the Iu reference teaches a way from the claimed invention as shown in the remarks, pages 6-8, where even field prediction comprises prediction of field content from either a past or a future field of like parity, i.e. even field only used to predict even fields and odd field used only to predict odd fields.

The examiner respectfully disagrees with the applicant. It is submitted that Iu teaches or suggests the I0 and I1 intra-fields are used as the anchor frame to predict even field of the next anchor frame, P6 (cols. 8 and 9) which included an even parity field prediction to predict content of each of a plurality of fields of the predicted frame from corresponding fields of the anchor frame (figs.4 and 5). It is noted that the claimed invention does not specifically cite the alleged prediction of field content either a past or a future field of like parity, i.e. even field only used to predict even fields and odd field used only to predict odd fields. Since the Iu reference teaches the prediction of even fields, P6, using the fields of I0 and I1, so at least one of even fields of I0 is used to predict the even field of P6 to produce the same result as claimed. Therefore, Iu anticipates the claimed invention.

The applicant pointed out that Eifreig does not suggest the use of even-parity field prediction content of predicted field as shown in the remark, page 8. It is disagreed that Iu suggests the use of even-parity field prediction content of predicted field (fig. 4 and 5) above,

and Eifreig teaches or suggests the interlacing even and odd field processes (cols. 7 and 8; figs. 5 and 6). One of ordinary skill in the art would obviously combine Eifreig and Iu together because they are from the same endeavor. Therefore, the claimed invention is unpatentable over the combination of Iu and Eifreig.

It is clarified that claim 17 is rejected under U.S.C § 102 (b) anticipated by Iu (col. 8, line 13)

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 12-15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Iu (US 5,293,229) as set forth in the previous Office Action, paper No. 7, and the discussion above.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, 5-11, 16, 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iu (US 5,293, 229) in view of Eifrig et al. (US 5,991,447) as set forth in the previous Office Action, paper No. 7, and the discussion above.

6. Newly added claims 20-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iu (US 5,293, 229) in view of Eifrig et al. (US 5,991,447).

Re claims 20-31, Iu has disclosed the method and apparatus to perform motion estimation using even-parity prediction above and further teaches or suggests predicting content of each of plurality non-reference frames and reference frame, wherein the reference frame includes I, B, P frames (fig. 4 and 5). See also the analysis in claims 1-19 of the previous Office Action, paper No. 7 and the discussion above.

### *Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contract Information***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on M-F 7:30AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (703) 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6306 for regular communications and (703) 308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Tung T. Vo  
Examiner  
Art Unit 2613

T.Vo  
April 25, 2001

  
**CHRIS KELLEY**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**